

**CASCADE COUNTY
ZONING BOARD OF ADJUSTMENT**

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JAN 26 2018

Meeting Minutes

Thursday, November 9, 2017

9:00 AM

Room #105, Courthouse Annex
Cascade County Commissioners Chambers

Board Members: Bill Austin, Jim Edwards, Leonard Reed, Rob Skawinski, and Tim Wilkinson

Notice: These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment. These minutes are considered a draft until the Zoning Board of Adjustment approves them.

STAFF ATTENDEES: Alex Dachs, Troy Hangen, and Nadine Thares

PUBLIC ATTENDEES: Buster & Eileen Hyndman, Shawna McKnight-Maesters, Donald Jacobs, Sandor Hopkins, Donna Hardesty, Marian Prue, Phil Nappo

1. CALL TO ORDER: Vice-Chairman Bill Austin called the meeting to order at 9:00am.

2. ROLL CALL

BOARD MEMBERS PRESENT: Bill Austin, Jim Edwards, Leonard Reed, Rob Skawinski, and Tim Wilkinson

BOARD MEMBERS ABSENT: none

3. APPROVAL OF MINUTES: October 12, 2017 minutes

Jim Edwards motioned to approve the minutes of October 12, 2017.

Tim Wilkinson seconded the motion.

All in Favor, Motion passes 5-0

Vice-Chairman Bill Austin announced that there would be a change in the agenda as to order of business. Venture Stone would be first, then New Business would be after.

5. OLD BUSINESS:

A. Public Hearing: Venture Stone - SUP

Troy Hangen presented the information that the Board requested at the October 12, 2017 meeting, the Board dispensed the rereading of the staff report. Troy Hangen read the letter from the applicant (condition 4) into the minutes.

Summation is as follows: the Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a Special Use Permit (SUP) application from Venture Stone LLC to allow the operation of a quarry at 795 Ulm-Vaughn Road, Great Falls, MT. The property is legally described as Parcel #5702000, and Geo-Code 3137-31-3-01-24, the property is zoned Agriculture (A).

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Total Pages: 16 R 0.00 By: mejohnson 01/26/2018 03:24:49 PM
Cascade County, Rina Ft Moore - Clerk & Recorder



Venture Stone LLC is the legal owner of the property, the property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.

The applicant is requesting that a Special Use Permit be granted as required by Section 7.2.4 (2) of the Cascade County Zoning Regulations (CCZR). Legal Notice of the application and the public hearing was published in the Great Falls Tribune on October 1 and 8, 2017 and mailed to surrounding neighbors on September 29, 2017. As of writing this staff report, staff have received zero phone calls or written comments/concerns.

Per their operational statement, Venture Stone LLC, a masonry and landscape provider, will be operating a "Commercial Agricultural" Quarry. This location will be acting like a hub that will be having harvested rock from fields transported to this site and then shipped to its final destination after possible minimal cutting and shaping. This a wholesale site, where little public would be visiting. Venture Stone LLC will abide by the 7am – 7pm hours.

An SUP is defined in Section 10 of the CCZR, and shall be deemed to authorize a particular use in its respective district and other applicable requirements. The ZBOA may approve, deny, or approve with conditions, and the SUP may be issued only upon meeting all requirements set forth in the regulations. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.

The ZBOA approval of the SUP shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the ZBOA approval. The SUP shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

The following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the CCZR are provided by the staff. The proposed development will not materially endanger the public health or safety.

Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection. Soil erosion and sedimentation, as well as the protection of public, community, or private water supplies, including possible adverse effects on surface

waters or groundwater. Applicant states there will be an estimated 0-3 semi-trucks a day and 1-7 other vehicles. No additional provisions are required for business. There will be minimal to no soil erosion for this site. Five acres of the site are covered in gravel where the business will be located and the remaining 35 acres will be farmed after SUP approval. No water supplies will be affected in the vicinity. **Staff feels that this use will have a minimal disturbance to the surrounding neighbors in relationship to traffic count. No additional provisions are necessary and soil erosion will be minimal to non-existent. No surrounding water supplies will be affected.**

The proposed development is a public necessity, or will not substantially impact the value of adjoining property. The relationship of the proposed use and the character of the development to surrounding uses and development. Applicant states the proposed SUP will not affect the surrounding neighbors because the business is on such a small part of the 40-acre parcel and there is no loud sounds. Our company will create direct and indirect sources of income throughout the county. **Staff feels the proposed SUP will merge well with the surrounding uses due to the existing agriculture presence nearby and large lot residential on 3 sides. Staff feels the business will have little to no effect on the surrounding neighbors.**

Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

Applicant states they would be using 5 of the 40-acre property, and will be leasing out the remaining land to local farmers. Any possible conflicts will be considered and will do anything we can to work through conflicts that arise. **Staff believes the business will be on approximately 5 acres of a 40-acre tract where the remainder will be farmed. The residences are approx. 950' minimum away from the business and staff feels there should be no conflicts.**

The proposed development will be consistent with the Cascade County Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards..

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Goal 3: Maintain Agricultural economy

Goal 4: Retain the presence of the US Military in Cascade County.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Venture Stone states they have grown from an entrepreneur's idea to a legitimate local business. They have hired numerous local people and increased business to many small

and large local businesses. They pay for the stone from Cascade County landowners and they are taxed on that income. After the stone is removed, grass grows which helps the livestock on the land. We have installed our first solar panel and it has opened many ideas for the future. Venture Stone states they use local and state rocks and after extraction from the land, grass returns, which helps feed the wildlife of Montana. They will be farming the majority of our land which will help maintain the County open space. Venture Stone states that we will do everything we can to protect the productive soils. We foresee no future soil erosion mainly because we are not in the floodplain. Venture Stone will be using regional products with the additional land we have to maximize our agricultural base. Venture Stone is in full support of the US military's current mission status and future projects. Venture Stone LLC state they are in full support of preserving the rural lifestyle currently enjoyed by Cascade County's citizens. We encourage educational programs and will have fire preventative measures on site.

Staff feels Venture Stone LLC is a great example of an entrepreneur's dream coming to fruition. All things local or state is Venture Stone's underlying plan which is vital for continued economic advancement. The success of their business fuels other local businesses and they are a supporter of alternate energy. Staff feels that Venture Stone is aware of the natural resource and their attempts to extract the product and encourage revegetation. The site will remain mostly farmland which will merge well with the surrounding farmland considering the 5 acres of land for the business and most of the remaining land for farmland resides outside of the floodplain. Staff states the USDA characterizes the soil types as Kobar silty clay loam (61.5% of site) Prime farmland if irrigated. The remaining 38.5% is a combination of Marias silty clay and Vanda clay, which are non-prime farmland soils. There is no desire to irrigate the land; therefore, natural hay or wheat would be recommended for farming. Staff believes the location of Venture Stone LLC is appx 2.5 miles away of a Launch Facility and over 17 miles from MAFB and the Military Height Overlay District therefore they should not have a direct impact on the US Military presence in Cascade County. Staff believes the application will likely not positively or negatively affect the Cascade County's citizens' rural lifestyle.

Applicant replied yes. **Staff feels the application will likely not have an impact on the municipal or joint land use plans.**

Per Section 10.7, Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Staff believes that from the application information submitted, this business should not be more objectionable to nearby properties. The minimal amount of noise created from the forklifts, saws, and tractors is over 950' from the nearest neighbor. No fumes, vibrations, flashing lights should be present and the neighbor's should not hear whatever work is being performed during working hours.

Motions:

The following motions are provided for the board's consideration:

A. Alternative 1: Move the Special Use Permit to allow "the operation of Venture Stone LLC's quarry at 795 Elm-Vaughn Road, Great Falls, MT (parcel # 0005702000)" be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied),

Or

B. Alternative 2: Move the Board to adopt the staff report and **approve** the Special Use Permit subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. The applicant will abide by all sign regulations of County Ordinance 8.1 if signage is desired.
1. The applicant will abide by Regulation 8.4.8 to install the necessary amount of parking spaces.
2. See Attachment from Venture Stone LLC

Board Questions:

None

Applicant: was not available.

Public Hearing opened at 9:05 am

Proponents: none

Opponents:

1. Eileen Hyndman, 983 McIver Rd, said she is one of three properties that abut Venture Stone. She stated that she still had concerns about the noise and reverberation due to the short distance and the flat level ground and how it would affect her and her neighbors. She reminded the Board that when the applicant was asked for more information concerning the saws, and that he could not tell you what the type was, and when asked if he could place them inside, but didn't seem to want to. She wanted to know why Venture Stone couldn't do more of the work at the Billings location, she stressed that this location would be a wholesale site, not a customer site. Water would be used to cool the saws to control the dust, but with winter that likely would not be used. The applicant's statement said the winter hours would be 8-4, Monday - Friday, October - March, and summer hours 7:30-5, Monday - Friday, April - September, but the staff report says 7-7, and wanted to know who would enforce the hours and which set of hours. She pointed out that Venture Stove said that the trucks and possibly cars, that didn't seem to be a wholesale site.
2. Donna Hardesty, 989 McIver Rd, spoke about the definition of quarry and that everywhere (internet, dictionaries) she looked she was unable to find where 'quarry' would apply to this application. She stated that the business is less than a ¼ mile from her property boundary. This has increased heavy traffic for the roads in the area; she plans to contact the MDT concerning the weight of the trucks. She said that Mr. Wilkinson should have recused himself.
3. Phil Nappo, 979 McIver Rd, said the special use permits are a good thing, but they are being abused, and they are not being enforced by the County. The neighborhood has

to listen to the noise (the going-ons) from other properties 7 days a week and late into the evenings. The rights of the long-term residents being violated; not get stepped on by the County. He intends to check and find out how much the two businesses have changed the area property values, and per his attorney, this is called taking by the County. According to his attorney, the neighbors' rights were being violated and that he could sue the County. He wanted the hours set, the noise levels controlled were it would appease the area residents.

4. Don Jacobs, 18 Wagon Ln, stated he does not live in McIver Rd area, but his brother owns property in the Stockett area and had a rock quarry and he found that some of the trucks weigh over 110,000 pounds per axle. He stated that McIver area roads will not take that kind of traffic with 55 tons of rock. Lastly, he stated that he owns a fleet of trucks, and he knows that trucks that carry that weight can damage the roads beyond repair.

Public Hearing closed at 9:28 am

Discussion and Decision:

Bill Austin request the definition of quarry.

Troy Hangen read the definition. He clarified the distance that the opposed resident spoke about during the public comment.

Tim Wilkinson asked if staff felt that per the definition means that it should come from the site. He felt it did require that. He reminded the public that Cascade County builders need this type of rock, and because he has never dealt with this company he does not plan to recuse himself. He asked staff where the noise tests were that the Board requested and why it wasn't added to the conditions. He reminded staff that the solar and wind has decibel levels requirements at the property boundary and it could have been used for this.

Alex Dachs replied that Planning had never regulated decibel levels and have no way to measure or test them.

Jim Edwards stated the old energy plant (east of town) had been required to monitor the noise level test at each corner of the property and there was a limit on the allowed decibels.

Tim Wilkinson said that in the solar, it said that someone (doesn't have to be County) could go out to the boundary line and check with a decibel meter. Tim said since that information was not included; he wanted to know where the data about soundproofing by the applicant in the conditions. He asked about the quarry definition being applied to the site versus the field.

Troy Hangen replied condition #4 is in the applicant's letter.

Alex Dachs stated that the applicant has 40+ sites to permit, instead staff tried to capture all the sites in one permit.

Jim Edwards restated he was concerned about the noise limits and that was why he wanted staff to get those decibel levels tests.

Alex Dachs relied that staff contacted the applicant to find out what decibel the saws produced by the manufacturer, so they could get an idea of the level, but they never received the information.

Troy Hangen added that when a sound is put inside a building it would change levels from inside to some distance away. Perhaps what is needed is a way to figure what it would be at a reduced sound level (with insulation).

Tim Wilkinson said the tests would be at the boundaries to protect the neighbors. Staff could have used the solar panel regulations which were about 65 dBs.

Bill Austin said the decibel levels for the saws are controlled for the operator, we realize that we can't eliminate all of the noise, but we need to help the residents.

Tim Wilkinson agreed that staff or applicant should had to have the research.

Len Reed said he was surprised the applicant wasn't present, when he should have been to answer any questions that this Board may have.

Don Jacobs (resident) stood up, added that in the trucking business, trucks don't work a standard 7-7, they quite often work outside those hours.

Jim Edwards replied that the Board intends to set it in the hours of operation and we can void the SUP if need be. This staff is here to help the public in matters similar to these problems. Jim added that there should be an acceptable noise level. He said he is for this project, if they comply with the conditions.

Rob Skawinski stated the decibels levels need to be controlled at the property line. The noise level tests at his business are only in the shop does it have to be controlled (90 dBs). The country is for quiet, any noise may be disruptive, but he thought maybe keeping the saws inside and just having a door open.

Donna Hardesty (resident) asked what kind of rules or regulations are they under currently? They work almost 24/7, decibel level. How often do the neighbors have to complain before something is done? What happened to the research that was to be presented today?

Bill Austin and Rob Skawinski both said the Board is trying to decide this.

Alex Dachs explained that staff researched the decibel levels at the Monarch business that the Board mentioned previously. Staff found that business was doing more than the standard cutting of stone. They decided to move to a different location.

Tim Wilkinson asked why that mattered, the Board wants to know about the decibels at the property line.

Bill Austin said he wished the applicant had come in, we should not have to table this again.

Tim Wilkinson commented about the decibel test and finding out about the applicant having quarries county-wide. This could have been placed in an industrial location.

Tim Wilkinson motioned to move the Special Use Permit to allow "the operation of Venture Stone LLC's quarry at 795 Ulm-Vaughn Road, Great Falls, MT (parcel # 0005702000)" be denied due to that it does not fit the definition of quarry.

Jim Edwards seconded the motion.

Motion denied, 5-0

Jim Edwards told staff that if the applicant wishes to reapply, the applicant must provide decibels and such, and additional information on the business. The other Board members agreed.

Troy Hangen asked if it is just the noise issue.

Jim Edwards replied that it is the noise and hours of operations.

4. NEW BUSINESS:

A. Public Hearing:

Troy Hagen presented the staff report. Summation is as follows: the Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a Special Use Permit (SUP) application from Cynthia Hill to allow a 2nd dwelling on her land at 3208 4th Ave NW, Great Falls, MT. The property is legally described as Parcel #2261200, and Geo- Code 3015-04-3-03-08, the property is zoned Urban Residential (UR). Cynthia Hill is the legal owner of the property, the property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current. Applicant will install permitted septic system/wastewater system for new dwelling unit, and access to new dwelling unit will be through the adjacent lot.

The applicant is requesting that a Special Use Permit (SUP) be granted as required by Section 7.1.3.3, 7.1.1.3, and 10 of the Cascade County Zoning Regulations (CCZR) for property in a UR district.

Legal Notice of the application and the public hearing was published in the Great Falls Tribune on October 29 and November 5, 2017. Staff have received zero phone calls or written comments/concerns since the writing of this report.

An SUP is defined in Section 10 of the CCZR, and shall be deemed to authorize a particular use in its respective district and other applicable requirements. The ZBOA may approve, deny, or approve with conditions, and the SUP may be issued only upon meeting all requirements set forth in the regulations. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.

The ZBOA approval of the SUP shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval. The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

The following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the CCZR provided by staff. The proposed development will not materially endanger the public health or safety.

Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts. Ms. Hill states

there should be no noticeable traffic count changes, **Staff feels that this use will have a minimal disturbance to the surrounding neighbors in relationship to traffic count.**

Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection. Soil erosion and sedimentation, as well as the protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater. Ms. Hill states that Northwestern Energy will install line from post already in place. A cistern will be put in and a septic and drain field will be installed. MT waste will collect garbage. **Staff believes that the soil erosion will be minimal to non-existent. No surrounding water supplies will be affected.**

The proposed development will not substantially impact the value of adjoining property is a public necessity. Applicant: This is a residential area. The mobile home will be surrounded by other mobile homes in the area along with a few houses. The relationship of the proposed use and the character of the development to surrounding uses and development, and whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property. **Staff feels the proposed SUP will have no effect with the surrounding uses considering the surrounding use is the same as the proposed SUP use.**

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Goal 3: Maintain Agricultural economy

Goal 4: Retain the presence of the US Military in Cascade County.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Applicant states the placement of a 2nd dwelling on the site should not have any impact on neighboring businesses, tourism, regional economic development, or agriculture. Nor should the 2nd dwelling should have little to no effect on the historical relationship with natural resources. Clean air will not be affected and as much open space will be preserved. Applicant states the placement of the mobile home should have little to no effect on the existing soils or erosion and the location does not lie in the FEMA 100 year floodplain because it is located behind a levee. Applicant states the placement of the 2nd dwelling unit will not affect any missions pertaining to the US military in Cascade County. Applicant states the dwelling will not impact the educational facilities or cultural heritage of Cascade County. The dwelling will be acquiring an address so the fire department can respond to location if need for fire safety.

Staff feels the placement of a second home will not affect business, tourism, agriculture, and neighboring economic development. Staff feels that this SUP will not affect the historical relationship of the natural resources. The placement of the mobile home on this land will be such a minimal alteration to the existing use. Staff feels the

mobile home should not have any effect on the existing soils. The land is not large enough to be considered farmland and it does not lie in the floodplain. Staff believes the placement of the mobile home will be in the MOD-F (Outer Horizontal Surface) which states the mobile home will not be taller than 500' above the elevation of the MAFB runway, and the nearest missile launch site is 8+ miles northwest of the site. Staff believes the application will likely not positively or negatively affect the Cascade County's citizens' rural lifestyle.

The proposed development will be consistent the Cascade County Growth Policy and its objectives for the various planning areas, its consistency with the municipal and joint land use plans incorporated by the Growth Policy. Applicant states yes, as there are other mobile homes in the area. **Staff feels the residence will be in harmony with existing residences.** Per Section 10.7, operations in connection with the SUP shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the placement of a 2nd dwelling at 3208 4th Ave NW, Great Falls, MT (parcel # 0002261200) be denied due to (ZBOA member proposing denial must delineate legal reason that the application be denied);
- Or
- B. Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a 2nd dwelling at 3208 4th Ave NW, Great Falls, MT subject to the following conditions:
 - 1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 - 2. Applicant obtains address from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes
 - 3. Applicant obtains approval for septic permit from City-County Health Department to install septic system.

Board Questions: none

Public Hearing opened at 10:00 am

Applicant: was not in attendance

Proponents: none

Opponents:

- 1. Don Jacobs, 18 Wagon Ln, said he owns the land south. Mr. Jacobs said that Ms. Hill moved in an old run-down mobile home that was at least 55-ft long setting on blocks. The property to the left (west?) usually floods, and he believes it will not hold the septic.
- 2. Don Koehmstedt, 16 18th Street SW, (did not sign in) said he is representing his family. He explained that he has been working at cleaning his family's property, and when he asked if he could add a 2nd home and was told it wasn't allowed (Health

dept.). The map does not clearly show the exact spot of where the trailer will be placed. He agreed with Mr. Jacobs on the flooding and drainage problems.

3. Shawna McKnight-Maesters, 324 31st Street NW, representing family, stated that Ms. Hill is a mediocre landlord at best and isn't a considerate landowner. Ms. Hill places structures on the property line. Ms. McKnight said she has concerns with junk vehicles, questionable renters, animal control, animal welfare issues, trashy and weedy look that are connected with Ms. Hill's property. She was concerned about the drainage issue. The levee has not been tested, so it is unknown whether it will hold or not.

Staff explained to the neighbors that the City-County Health is in charge of the septic.

Public Hearing closed at 10:12 am

Discussion and Decision:

Jim Edwards said the applicant should have attended as he had questions for her.

Bill Austin and Len Reed agreed. Len Reed asked where the city limit is.

All three residents explained where the city limit was (near the elementary school).

Bill Austin commented that he was not sure if the renter status applies to this, but the applicant would have to get all the necessary permits to do this. This Board's duty is decide whether this is within the scope of the County regulations or not.

Len Reed and Tim Wilkinson agreed.

Len Reed asked staff if Ms. Hill planned to attend.

Troy Hangen replied that she would make that decision herself, and that he stressed that it would be beneficial for her to attend.

Jim Edwards asked staff when she moved the mobile home in and was she aware that she needed a permit.

Troy Hangen replied that the application was received about 6-7 weeks ago. He was not aware that Ms. Hill planned on moving a mobile home in prior to today. Troy spoke with a woman who lived in the neighborhood about when it was moved in, and was told that it was a little while ago.

Jim Edwards asked the residents if any of them knew when it was moved in.

Two residents said it was over a year.

Len Reed motioned to table the application until the next meeting, and have the applicant attend to answer the Board's questions.

Tim Wilkinson seconded the motion.

All in Favor, Motion passes 5-0

B. Public Hearing:

Troy Hangen presented the staff report (Board requested the abridged version).

Summation is as follows: the Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a Special Use Permit (SUP) application from Jeff Poncelet to allow a dwelling

on his Commercial land incidental to the existing business enterprise at 470 Vaughn South Frontage Road. The property is legally described as Parcel #3037550, and Geo Code 3137-26-3-05-01. Jeff and Pamela Poncelet are the legal owners of the property, and the property is not in violation of any County Ordinances and the county taxes are current.

The applicant is requesting that a Special Use Permit be granted as required by Section 7.3.10 and 10 of the Cascade County Zoning Regulations (CCZR) for property in a Commercial (C) district. This proposed SUP meets the requirement of the CCZR. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on October 29 and November 5, 2017. As of writing this staff report, staff have received zero phone calls or written comments/concerns.

An SUP is defined in the CCZR, and shall be deemed to authorize a particular use in its respective district and other applicable requirements. The ZBOA may approve, deny, or approve with conditions, and the SUP may be issued only upon meeting all requirements set forth in the regulations. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations. Appeals of the ZBOA decision shall follow the process outlined in Section 12 of the CCZR.

The ZBOA approval of the SUP shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the ZBOA approval. The SUP shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

The following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the CCZR are provided by the staff. The proposed development will not materially endanger the public health or safety.

Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts. Mr. Poncelet states there should be no noticeable traffic count changes. **Staff feels that this use will have a minimal disturbance to the surrounding neighbors in relationship to traffic count.**

Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection, soil erosion and sedimentation, as well as the protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater. Mr. Poncelet states no additional provisions are needed, and

that no soil will be moved. **Staff feels that no additional provisions are necessary and soil erosion will be non-existent. No surrounding water supplies will be affected.**

The proposed development will not substantially impact the value of adjoining property, or is a public necessity. The relationship of the proposed use and the character of the development to surrounding uses and development, and whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property. Applicant had no response, but **staff feels the area surrounding the site is very low in businesses/residents and staff feels the proposed SUP will have no effect with the surrounding uses.**

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Goal 3: Maintain Agricultural economy

Goal 4: Retain the presence of the US Military in Cascade County.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Mr. Poncelet states the placement of a dwelling on the site should not have any impact on neighboring businesses, tourism, regional economic development, or agriculture. Mr. Poncelet states the placement of the dwelling on the site should have little to no effect on the historical relationship with natural resources, and the clean air will not be affected and open space and rangelands will be preserved. Mr. Poncelet states the placement of the home on this large piece of land should have no effect on the existing soils or erosion nor does it lie in the FEMA 100 year floodplain. Mr. Poncelet states the placement of the dwelling unit on the piece of land will not affect any missions pertaining to the US military in Cascade County. Mr. Poncelet states the dwelling will not impact the educational facilities or cultural heritage of Cascade County.

Staff feels the placement of a residence home will not affect business, tourism, agriculture, and neighboring economic development. Staff feels that this SUP will not affect the historical relationship of the natural resources and the placement of the home on this large piece of land should have little to no effect on preserving the open space. Staff believes the lot does not lie in the 100-year floodplain and the site has been used as a material storage (dirt, gravel, etc.) site for many years and the placement of the house will coincide with the business. Staff believes the placement of the home will not be in any Height Military Overlay District, and the lot is 4.5+ miles away from a launch facility. Staff feels the application will likely not positively or negatively affect the Cascade County's citizens' rural lifestyle.

Consistency with the municipal and joint land use plans incorporated by the Growth Policy and the character of the development to the surrounding area. Applicant stated

yes. Staff believes the application will likely not have an impact on the municipal or joint land use plans and will be in harmony with the surrounding area, and should not create a conflict to the nearby residences and businesses. Per Section 10.7, operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Motions:

The following motions are provided for the board's consideration:

Alternative 1: Move the Special Use Permit to allow the placement of a dwelling at 470 Vaughn South Frontage, Great Falls, MT (parcel # 0003037550) be denied due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or

Alternative 2: Move the Board adopt the staff report and approve the Special Use Permit to allow the placement of a dwelling at 470 Vaughn South Frontage, Great Falls, MT subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. The applicant must obtain necessary permits/approval from the City County Health Department for the wastewater facility on the property.

Board Questions:

Len Reed asked if this was anywhere near the city limits.

Troy Hangen replied no.

Applicant: not in attendance.

Public Hearing opened at 10:20 am

Proponents: none.

Opponents: none.

Public Hearing closed at 10:21 am

Discussion and Decision:

Tim Wilkinson asked why the residence has to be incidental to the business. He thought that this would be allowed as it this seems less intrusive than other things.

Alex Dachs replied that it needed to go through the process, and to prevent any later problems.

Jim Edwards motioned to adopt the staff report and approve the Special Use Permit to allow the placement of a dwelling at 470 Vaughn South Frontage, Great Falls, MT subject to the following conditions:

3. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
4. The applicant must obtain necessary permits/approval from the City County Health Department for the wastewater facility on the property.

Len Reed seconded the motion.

All in Favor, Motion passes 5-0

6. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE ZBOA JURISDICTION:

None

7. BOARD MATTERS:

Alex Dachs said that at this time we have nothing on the December agenda, unless the Board wishes to get the SUP from Ms. Hill taken care of.

The Board agreed, but only if there is something else added to the agenda.

8. ADJOURNMENT:

Tim Wilkinson motioned to adjourn.

Jim Edwards seconded motion.

All in Favor, Motion passed. Meeting adjourned at 10:30 am

William C. Austin
Chairman Bill Austin

1-26-18
Date

Brian Clifton
Brian Clifton

1/26/18
Date